

20071112 12:23

Docket No.: I0046.0162

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Gernot Eckstein et al.

Application No.: 10/735,517

Confirmation No.: 1592

Filed: December 11, 2003

Art Unit: 2436

For: Preventing the unwanted external detection of  
operations in digital integrated circuits

Examiner: C. Johnson

REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

Applicant hereby requests a refund of \$510.00 resulting from a second Notice of Appeal fee being charged incorrectly to Applicant's Representative's Deposit Account. For the second Notice of Appeal, Applicant is required to pay only the difference between the first and second Notice of Appeal fees. The detailed facts are as follows.

A first Notice of Appeal was filed by Applicant on November 13, 2007. The required Notice of Appeal fee of \$510.00 was made on this same date. An Appeal Brief was later filed on January 16, 2008. No final Board Decision was made in connection with this Appeal.

A second Notice of Appeal was filed by Applicant on March 2, 2009, after prosecution had been reopened by the Examiner. Under 37 C.F.R. § 41.20, the previously-paid appeal fees are applied to the new appeal. However, since the appeal fees have increased, Applicant is responsible for only the difference between the current fee and the amount previously paid. Applicants therefore calculated the Notice of Appeal fee due on March 2, 2009, to be the difference between the second Notice of Appeal Fee and the amount previously paid for the first Notice of Appeal fee, that is:

Application No.: 10/735,517

Docket No.: I0046.0162

\$540.00 (second Notice of Appeal Fee on March 2, 2009)  
- \$10.00 (first Notice of Appeal Fee paid on November 13, 2007)  
\$ 30.00 (Notice of Appeal Fee due March 2, 2009)

Applicant therefore requested the Patent Office to charge Applicant's Representative's Deposit Account in the amount of \$30.00.

On March 12, 2009, Applicant's Representative's Deposit Account was charged \$540.00 for a full second Notice of Appeal Fee, rather than the \$30.00 difference between the first and second Notice of Appeal fees.

Applicant therefore respectfully requests a credit in the amount of \$510.00, which is the difference between the \$540.00 charged for the full second Notice of Appeal fee and the \$30.00 amount that should have been charged. This refund can be made to either Applicant's Representative's American Express Credit Card Account No. [REDACTED] 1 001 or Deposit Account Number 50-2215.

Dated: May 11, 2009

Respectfully submitted,

By Laura C. Brutman  
Laura C. Brutman  
Registration No.: 38,395  
DICKSTEIN SHAPIRO LLP  
1177 Avenue of the Americas  
New York, New York 10036-2714  
(212) 277-6500  
Attorney for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>I0046.0162</b>
	In re Application of <b>Gernot Eckstein et al.</b>	
	Application Number <b>10/735,517-Conf. #1592</b>	Filed <b>December 11, 2003</b>
	For <b>PREVENTING THE UNWANTED EXTERNAL DETECTION OF OPERATIONS IN DIGITAL INTEGRATED CIRCUITS</b>	
	Art Unit <b>2436</b>	Examiner <b>C. Johnson</b>

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

(Less Notice of Appeal Fee Prev. Pd. 11/13/07 \$540.00 - \$510.00 = \$30.00) \$ **30.00**

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-2215**.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: INFORMATION ON THIS FORM MAY BECOME PUBLIC. CREDIT CARD INFORMATION SHOULD NOT BE INCLUDED ON THIS FORM. PROVIDE CREDIT CARD INFORMATION AND AUTHORIZATION ON PTO-2038.

I am the

- applicant /inventor. **/Laura C. Brutman/**  
Signature
- assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)  
Is enclosed. (Form PTO/SB/96) **Laura C. Brutman**  
Typed or printed name
- attorney or agent of record.  
Registration number **38,395** **(212) 277-6592**  
Telephone number
- attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. **March 2, 2009**  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below.

\*Total of **1** forms are submitted.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: March 2, 2009      Electronic Signature for Laura C. Brutman: **/Laura C. Brutman/**

Adjustment date: 05/19/2009 SDIRETA1 00000014 502215 10735517  
 11/13/2007 INTEFSW 00013247 10735517 510.00 GP  
 02 FC:1401 -510.00 DR  
 05/19/2009 SDIRETA1 00000014 502215 10735517  
 03/12/2009 YSRDRT 00000001 502215 540.00 CR  
 01 FC:1401 v01